

GDPR DATA PROTECTION POLICY

Purpose

To ensure that IMH Ltd complies with all legal requirements governing the obtaining, recording, handling, storage, processing and removal of personal data and to ensure that personal data is not disclosed without the consent of the individual.

Scope

1. Any personal data held relating to all IMH Ltd employees.
2. Any personal data held relating to individuals employed by customers, suppliers, contractors and third parties obtained as business contact data to enable IMH Ltd to trade on the open market with companies who have an interest in the services and products that the company provides.

Personal data means data which relates to a living individual who can be identified:

- a) from that data; or
- b) from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller (IMH Ltd)

and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

References

General Data Protection Regulations (GDPR) 2018

Definitions

Data Controller – The person who (either alone or with others) decides what personal information a company will hold and how it will be held or used.

General Data Protection Regulations – The UK legislation that provides a framework for responsible behaviour by those using personal information.

Data Protection Officer – The person responsible for ensuring that the company follows its data protection policy and complies with the General Data Protection Regulations 2018.

Individual – The person whose personal information is being held or processed by a company, for example: a client, an employee, or supporter.

Explicit consent – is a freely given, specific and informed agreement by an individual in the processing of personal information about her/him. Explicit consent is needed for processing sensitive data.

Notification – Notifying the Information Commissioner about the data processing activities of a company. Certain activities may be exempt from notification.

Information Commissioner – The UK Information Commissioner responsible for implementing and overseeing the General Data Protection Regulations.

Processing – means collecting, amending, handling, storing or disclosing personal information.

Personal Information – Information about living individuals that enables them to be identified – e.g. name and address. It does not apply to information about organisations, companies and agencies but applies to named persons within them.

Sensitive data – refers to data about:

- Racial or ethnic origin
- Political affiliations
- Religion or similar beliefs
- Trade union membership
- Physical or mental health
- Sexuality
- Criminal record or proceedings

Introduction

IMH Ltd needs to collect and use certain types of information about the individuals who come into contact with the company, in order to carry on our work. This personal information must be collected and dealt with appropriately whether it is collected on paper, stored in a computer database, or recorded on other material and there are safeguards to ensure this under the General Data Protection Regulations.

Data Controller

IMH Ltd is the Data Controller under the Regulations, which means that it determines what purposes personal information held will be used for. It may also be responsible for notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for.

Information

IMH Ltd have produced an employee privacy notice and a customer privacy notice. These describe in detail how IMH Ltd have applied GDPR.

Disclosure

IMH Ltd may share data with other agencies such as the local authority, funding bodies and other voluntary agencies.

The individual will be made aware in most circumstances how and with whom their information will be shared.

There are circumstances where the law allows IMH Ltd to disclose data (including sensitive data) without the data subject's consent.

These are:

- a) Carrying out a legal duty or as authorised by the Secretary of State
- b) Protecting vital interests of an individual or other person
- c) The individual has already made the information public
- d) Conducting any legal proceedings, obtaining legal advice or defending any legal rights
- e) Monitoring for equal opportunities purposes i.e. race, disability or religion
- f) Providing a confidential service where the individual's consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill individuals to provide consent signatures.

GDPR Principles

IMH Ltd regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal.

IMH Ltd intends to ensure that personal information is treated lawfully and correctly.

To this end, IMH Ltd will adhere to the Principles of Data Protection, as detailed in the General Data Protection Regulations.

Specifically, the Principles require that personal information:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;

- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Personal information will be kept secure by the company, who take appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, it.

Personal information will not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of individuals in relation to the processing of personal information.

IMH will through appropriate management and strict application of criteria and controls:

- Observe fully conditions regarding the fair collection and use of information
- Meet its legal obligations to specify the purposes for which information is used
- Collect and process appropriate information, and only to the extent that it is needed to fulfill its operational needs or to comply with any legal requirements
- Ensure the quality of information used
- Ensure that the rights of people about whom information is held, can be fully exercised under the Regulations. These include:
 - 1. The right to be informed that processing is being undertaken
 - 2. The right of access to one's personal information
 - 3. The right to rectification of wrong information
 - 4. The right to erasure of information
 - 5. The right to restrict processing of information
 - 6. The right to data portability - allows individuals to obtain and reuse their personal data for their own purposes across different services.
 - 7. The right to object to the processing of their information
 - 8. Rights in relation to automated decision making and profiling
- Take appropriate technical and organisational security measures to safeguard personal information
- Ensure that personal information is not transferred abroad without suitable safeguards
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information
- Set out clear procedures for responding to requests for information

Data collection

Informed consent is when an individual clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data; and then gives their consent.

IMH Ltd will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, IMH Ltd will ensure that the individual:

- Clearly understands why the information is needed
- Understands what it will be used for and what the consequences are should the individual decide not to give consent to processing
- As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed
- Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- Has received sufficient information on why their data is needed and how it will be used

Data Storage

Information and records relating to individuals will be stored securely and will only be accessible to authorised staff.

Information will be stored for only as long as it is needed or required statute and will be disposed of appropriately.

It is IMH Ltd responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the company, which has been passed on/sold to a third party.

Data access and accuracy

All individuals have the right to access the information IMH Ltd holds about them. IMH Ltd will also take reasonable steps ensure that this information is kept up to date by asking data subjects whether there have been any changes.

In addition, IMH Ltd will ensure that:

- It has a Data Protection Officer with specific responsibility for ensuring compliance with Data Protection
- Everyone processing personal information understands that they are contractually responsible for following good data protection practice
- Everyone processing personal information is appropriately trained to do so
- Everyone processing personal information is appropriately supervised
- Anybody wanting to make enquiries about handling personal information knows what to do

- It deals promptly and courteously with any enquiries about handling personal information
- It describes clearly how it handles personal information
- It will regularly review and audit the ways it holds, manages and uses personal information
- It regularly assesses and evaluates its methods and performance in relation to handling personal information
- All staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the General Data Protection Regulations.

Any queries or questions in relation to this policy should be addressed to IMH Ltd Data Protection Officer.